APPENDIX A

Filed January 8, 1964

No. 15,046

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

R. P. PRICE, ET AL., *Plaintiffs-Appellees*,

vs.

UNITED MINE WORKERS OF AMERICA, *Defendant-Appellant*.

Order

Before: WEICK and O'SULLIVAN, Circuit Judges, and PRETTYMAN, Senior Circuit Judge.

Subsequent to the oral argument in the above case the Supreme Court granted certiorari in the case of *Local 20, Teamsters, Chauffeurs and Helpers Union No. 485 vs. Lester Morton* which may control some of the issues in the case at bar.

IT IS, THEREFORE, ORDERED that further consideration of the case be postponed to await the decision of the Supreme Court in the *Morton* case.

PAUL C. WEICK
United States Circuit Judge

APPENDIX B

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

R. P. PRICE ET AL

v.

UNITED MINE WORKERS OF AMERICA

No. 15,046

Question Eight

Are punitive damages recoverable against a labor union in an action brought under Section 303, Labor Management Relations Act, 1947?

The trial court, in refusing UMW's instruction No. 17 and in overruling its motion for judgment or a new trial, answered this question "Yes". Appellant contends it should be answered "No".

Questio Nine

Under the doctrine of federal preemption, was the district court without power, authority and jurisdiction to approve a jury verdict of punitive damages?

The trial court, in refusing UMW's Instruction No. 17, and in overruling its motion for a new trial, answered this question "No". Appellant contends it should be answered "Yes".

. . . . . .

Question Twelve

In an action instituted in a federal district court by an employer against an unincorporated labor union in its common name for damages and the district court's jurisdiction is asserted under Section 303, Labor-Management Relations Act, 1947, and there is no diversity of citizenship of the parties (a) does the district court have jurisdiction, power and authority over the subject matter and the union under the doctrine of pendent or ancillary jurisdiction to determine the issues in a non-federal tort action joined with a claim under said section, where state courts in the

state in which the alleged wrongful conduct occurred and wherein the federal district court is sitting would not entertain jurisdiction of a suit based upon the non-federal claim against the union in its common name; and (b) does the doctrine of federal preemption preclude the applicability of the pendent or ancillary jurisdiction in such action?

The trial court answered the (a) portion of the question "Yes", which appellant asserts it should have answered "No"; and it answered the (b) portion of the question "No", and appellant asserts the answer should be "Yes".